(Spl.-H.C.A.S.C.D., 78-e)

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI, GOA.
APPELLATE SIDE

DISTRICT :

APPEAL FROM ORDER NO. 44 OF 2004

Office Notes, Office Memoranda of Quorum, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. S. D. Lotlikar, Senior Advocate with Ms. Shreya S. Naik, Advocate for the appellants.

Mr. Mario de Loyola Furtado, Advocate for respondents No. 1 to 4.

Mr. C. A. Ferreira, Advocate for respondent No. 6.

CORAM : B. H. MARLAPALLE, J.

DATE : 9th DECEMBER, 2004.

P.C. :

1. The present appellants have filed Special Civil Suit No. 63 of 2004 for permanent injunction and

other reliefs and in the said suit an application for temporary injunction at Exh. 6 came to be filed. The said application has been rejected by the Learned II Addl. Civil Judge, Senior Division at Margao on 03.08.04. This appeal assails the said order.

2. In Exh. 6, the plaintiffs had prayed for restraining orders against the defendants, family members and servants from commencing, continuing and carrying on any construction in the 6 mts. space marked by letters A & C on the to the plaint. As per the report submitted by the respondent No. 6 i.e. Village Panchayat, the construction proceeded and it is found to be illegal. Hence the question of

entertaining the temporary injunction application would not arise at this stage.

3. However, Mr. Lotlikar, learned Senior Counsel submitted that the construction was not completed in all respects and there was an order of status quo.

4. The appeal is disposed of with a direction to the trial Court to expedite the hearing in Special Civil Suit No. 63 of 2004 and the order of status quo shall continue to operate till then. In the meanwhile, respondent No. 6 i.e. Village Panchayat is free to proceed as per law and if the

defendants No. 1 to 4 make an application for regularisation of construction, the same shall be considered as per rules.

B. H. MARLAPALLE, J.

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